

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 90-74 (As Amended)

Introduced by Council President Wilson and
Council Members Hatem and Hooper

Legislative Day No. 90-27 Date September 4, 1990

AN ACT to add new Article IVA, Environmental Land Preservation Commission, to Part 2, Nonbinding Advisory Boards, of Chapter 9, Boards, Commissions, Councils and Agencies, of the Harford County Code, as amended; to require the Department of Planning and Zoning to develop a program for county purchase of development rights on environmentally significant property; to establish certain requirements for the program; to require the Department to make a certain report on the program; to authorize extension of a certain deadline involving the program; to establish the Environmental Land Preservation Commission; to require the Commission to review and make recommendations on the program; to establish the method by which commission members are selected; to establish the members' qualifications and terms; to establish the Commission's duties; and generally relating to a county program to purchase development rights on environmentally significant property.

By the Council, September 4, 1990

Introduced, read first time, ordered posted and public hearing scheduled
on: October 2, 1990
at: 6:15 P.M.

By Order: Doris Poulsen, Secretary

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on October 2, 1990, and concluded on, October 2, 1990

Doris Poulsen, Secretary

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

1 **WHEREAS,** Harford County contains many areas of special
2 environmental significance, including forests, wetlands, farmland,
3 wildlife habitat, watersheds, river corridors, geological
4 formations, archeological sites, scenic landscapes, areas of
5 historical significance, and areas for public recreation; and

6 **WHEREAS,** These areas provide economic, aesthetic, biological
7 and environmental benefits to Harford County citizens and should
8 be preserved for future county citizens; and

9 **WHEREAS,** Although Harford County's participation in the state
10 agricultural land preservation program continues to be successful,
11 having resulted to date in the preservation of more than 4,500
12 acres of farmland, the program is geared to only one of the many
13 types of land deserving of preservation; and

14 **WHEREAS,** Harford County also participates in the state's
15 Program Open Space, which enables the county to purchase, hold and
16 maintain land for public use and recreation; and

17 **WHEREAS,** It is environmentally important that many more acres
18 of land be maintained in their natural state than any government
19 can reasonably be expected to purchase, hold and maintain; and

20 **WHEREAS,** Private and quasi-public organizations such as the
21 Historical Society of Harford County, the Deer Creek Watershed
22 Association, the Maryland Environmental Trust, and the Chesapeake
23 Bay Foundation , the Izaak Walton League and the Gunpowder Valley
24 Conservancy work to preserve selected areas of significance, but
25 there is no comprehensive, county-oriented, county-funded effort
26 to preserve areas of environmental significance in the county; and

27 **WHEREAS,** A commitment to the preservation and protection of

the environment is essential for continued human existence, health and prosperity; and

WHEREAS, It is in the best interests of Harford County and its present and future citizens to work with landowners to preserve environmentally significant properties on a voluntary basis.

NOW, THEREFORE

Section 1. Be It Enacted By The County Council of Harford County, Maryland, That new Article IVA, Environmental Land Preservation Commission, be, and it is hereby, added to Part 2, Nonbinding Advisory Boards, of Chapter 9, Boards, Commissions, Councils and Agencies, of the Harford County Code, as amended, all to read as follows:

Chapter 9. Boards, Commissions, Councils and Agencies.

Part 2. Nonbinding Advisory Boards.

Article IVA. ENVIRONMENTAL LAND PRESERVATION COMMISSION.

SECTION 9-20.1.

A. THERE IS HEREBY CREATED THE ENVIRONMENTAL LAND PRESERVATION COMMISSION, CONSISTING OF 5 MEMBERS APPOINTED BY THE COUNTY EXECUTIVE AND CONFIRMED BY THE COUNTY COUNCIL.

B. ~~COMMITTEE~~ COMMISSION MEMBERSHIP SHALL BE REPRESENTATIVE OF THE COUNTY'S POPULATION WITH RESPECT TO RACE, GENDER, AND GEOGRAPHY.

C. EACH MEMBER SHALL BE A REGISTERED VOTER IN HARFORD COUNTY.

D. (1) THE TERM OF A MEMBER IS 5 YEARS.

(2) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED

1 BY THE TERMS PROVIDED FOR MEMBERS ON FEBRUARY 1, ~~1990~~ 1991.

2 (3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE
3 UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

4 (4) A MEMBER APPOINTED AFTER A TERM HAS BEGUN SERVES
5 ONLY FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS
6 APPOINTED AND QUALIFIES.

7 E. THE ~~COMMITTEE~~ COMMISSION SHALL:

8 (1) WORK WITH THE MARYLAND ENVIRONMENTAL TRUST TO
9 PROMOTE THE TRUST IN THE COUNTY AND TO SOLICIT DONATION TO THE
10 TRUST OF CONSERVATION EASEMENTS ON LAND THAT MEETS THE TRUST'S
11 CRITERIA; AND

12 (2) REVIEW AND MAKE RECOMMENDATIONS ON THE PROGRAM
13 DEVELOPED BY THE DEPARTMENT OF PLANNING AND ZONING UNDER BILL
14 NUMBER 90-74.

15 Section 2. And Be It Further Enacted, That the Department of
16 Planning and Zoning shall, on or before June 1, 1991:

17 A. develop a program for county purchase of development
18 rights on environmentally significant properties that do not
19 qualify for the state agricultural land preservation program;

20 B. include in the program:

21 (1) separate eligibility criteria for land in the
22 Development Envelope;

23 (2) separate eligibility criteria for land outside the
24 Development Envelope; and

25 (3) weighted criteria similar to those used in the
26 county's agricultural land preservation supplemental payment

1 program; and

2 C. report to the County Council the Department's opinion as
3 to whether the program should be established as:

4 (1) a cooperative venture with the Maryland
5 Environmental Trust;

6 (2) an independent, local land trust;

7 (3) a county government land trust;

8 (4) some other entity; or

9 (5) any combination of these.

10 Section 3. And Be It Further Enacted, That the County Council
11 may by resolution extend the June 1, 1991, deadline imposed by
12 Section 2 of this Act if the County Executive, on or before April
13 1, 1991, requests an extension.

14 Section 4. And Be It Further Enacted, That the terms of the
15 initial members of the Environmental Land Preservation Commission
16 shall expire as follows:

17 A. 2 members in 1993;

18 B. 2 members in 1994; and

19 C. 1 member in 1995.

20 Section 5. And Be It Further Enacted, That this Act shall take
21 effect 60 calendar days from the date it becomes law.

22 EFFECTIVE: February 4, 1991
23
24
25
26

90-74

AS AMENDED

BY THE COUNCIL

BILL NO. 90-74 (As Amended)

Read the third time.

Passed: LSD 90-30 (October 9, 1990)

Failed of Passage: _____

By Order

Doris Poulsen, Secretary

Sealed with the County Seal and presented to the County Executive
for his approval this 10th day of October, 1990
at 3:00 o'clock P.M.

_____, Secretary

BY THE EXECUTIVE

COUNTY EXECUTIVE

APPROVED:

Date _____

Vetoed in toto this thirty-first day October, 1990
in accordance with Section 311 of the Charter
of Harford County, Maryland.

County Executive
BY THE COUNCIL

This Bill, having been passed by the yeas of at least five (5) members
of the Council notwithstanding the objections of the Executive, becomes
law on December 4, 1990.

EFFECTIVE DATE: February 4, 1991

Doris Poulsen
Secretary

90-74
AS AMENDED